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asbury park

Administrative Offices
Telephone (732) 776-2600

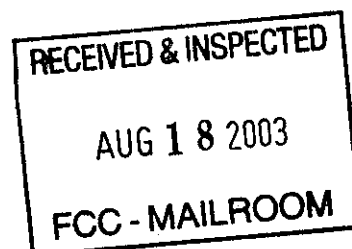


Information Technology Center

Asbury Park Board of Education
1506 Park Avenue, Asbury Park, N.J. 07712

DATE: August 14, 2003
TO: FCC
FROM: Richard Heitmueller, Asst Director - ITC
RE: Appeal of FRN# 790458

CC Docket No. 02-6 Request for Review



471 - 301875 FRN - 790458
Billed entity number - 122971 (Asbury Park School District)
Funding Year 2002

Richard Heitmueller- Asst Director Info Tech Center
1506 Park Avenue
Asbury Park NJ 07712
732-776-2600 x 2132 Fax# 732-988-9284
rheit@asburypark.k12.nj.us

We are requesting that you review the **Denied in full** decision (attached) of the SLD and use your discretionary powers to allow the elimination of those portions which they deemed ineligible from the application, and to further provide funding of the eligible portion of the request.

This application was rejected based on the 30% rule. In fact, there were 5 separate and distinct projects submitted under one application. This application was submitted over a year ago, and at the time, it was our understanding that the USAC was encouraging schools to combine, for the sake of brevity, similar projects.

While it appears that under the current guidelines, projects a, b, c and d (attached) may be ineligible services, item e is eligible and in fact has been previously funded, (Funding year 2001 FRN 631644, 471# 254052 \$293,500) this application was to expand and provide services to an additional 15 classrooms as well as to add the other items.

I have enclosed the appeal decision letter from SLD as well as the original contract and the descriptive information for item e for your consideration. The modified amount of the request for just project e is \$547,500.

Please contact me if you have any questions in regard to this appeal, and thank you for your consideration of this matter.

A handwritten signature in black ink, appearing to read 'Richard Heitmueller', written over a horizontal line.

Richard Heitmueller
Asst. Director - ITC

August 14, 2003

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Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2002-2003

June 27, 2003

Richard Heitmueller
Asbury Park Board of Education
1506 Park Avenue
Asbury Park, NJ 07712

Re: Billed Entity Number: 122971
 471 Application Number: 301875
 Funding Request Number(s): 790458
 Your Correspondence Dated: March 17, 2003

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year 2002 Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 790458
Decision on Appeal: **Denied in full**
Explanation:

- Your appeal letter states that this funding request consists of 5 separate projects submitted under one application. You acknowledge that projects a, b, and d may be ineligible, but c and e are eligible and have been funded in previous years. You are requesting that SLD fund the c and e portion of the request.
- The total amount of this funding request is \$1,247,500.00. The a, b and d portions of the funding request, which you have acknowledged as ineligible cost \$550,000.00 which is more than 30% of the total request. Program rules do not allow for SLD to remove the ineligible portions of a funding request and fund the eligible portion if the ineligible cost is greater than 30% of the total request.

- Your Form 471 application included costs for the following ineligible services: storage and video on demand. FCC rules provide that discounts may be approved only for eligible services. *See* 47 C.F.R. §§ 54.502, 54.503. The USAC website contains a list of eligible services. *See* USAC website, <http://www.universalservice.org>, Eligible Services List. Program procedures provide that if 30% or more of an applicant's funding request includes ineligible services, the funding request must be denied. 40% of your funding request was for ineligible services. Therefore, your funding request was denied. You did not demonstrate in your appeal that your request included less than 30% for ineligible services. Consequently, SLD denies your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Rich Heitmueller

From: James Chang [jchang@comweb.com]
Sent: Thursday, February 13, 2003 2:18 PM
To: richard Heitmueller
Cc: GESTROTHER@aol.com; Randy Rankin; powellm@asburypark.k12.nj.us
Subject: Fw: Asbury Park School District year 5 E-Rate program

Dear Richard:

We have receive mail from the USAC today inform that you have successfully completer the year 6 E-Rate applications. Thank you for your great effort.

Regarding the appealing for the year 5 E-Rate application, I am forward to you the communication (Jan. 29,2003) that I have with the original technical reviewer Ms. Stella Blaney. She suggest I email her to refresh her previous memory. She mention to me that after the official appealing process to USAC, she will need to provide as their internal back up.

Let me know, if you need any input from us regarding your appealing process.

Thanks.

James

----- Original Message -----

From: James Chang
To: Stella Blaney
Cc: GESTROTHER@aol.com ; Randy Rankin
Sent: Wednesday, January 29, 2003 6:45 PM
Subject: Asbury Park School District year 5 E-Rate program

Dear Stella:

Thanks for your willingness to assist us regarding the further clarification of the Asbury Park School District year 5 E-Rate program.

Per your suggestions, the following summarized the situation;

- 1) We, COMWEB Technology Group is one of the E-Rate approved Service providers, COMWEB products include KnowledgeWEB Classroom Hub & Switches and several customized WEB Server Systems. (**COMWEB SPED # is 143005079**)
- 2) For Asbury Park School District (New Jersey) year 5 E-Rate program, the school District decide to apply for 5 separate systems in single applications. Each system are independent of each other. The Asbury Park School District was decide to submit in a single application which are:
 - a) **COMWEB Multimedia Authoring WEB Server System (conSeminar)**
 - b) **COMWEB XML-enabled Personal Knowledge Management WEB Server Systems (iNota)**
 - c) **COMWEB Classroom Knowledge Automation WEB Server System (e-Engine)**
 - d) **COMWEB Learning Content Management WEB Server System**
 - e) **COMWEB KnowledgeWEB Classroom Network Hub & Switches**

We just receive the USAC funding commitment decision letter stated that they reject the total funding base on 30% or more of the FRN includes a request for storage and video on demand which is an ineligible services based on program rules. We have review with the Asbury Park School District Management. They would like to appeal in particular for the item (c) and (e). Since each item is a independent system.

Item (e) ; **COMWEB KnowledgeWEB Classroom Network Hub & Switches** which had been funded for sever years in other school District and Asbury Park year 4 too. in my previous conversation with you, you did not indicate any problem on this item. (Attached the original description as attachment file fro your reference again.

03/14/2003

Item(c): **Knowledge Automation WEB Server System (e-Engine)** which includes a Server-Based Multimedia PC and its operating software. It supports real-time video broadcasting distance learning applications. (The attached is our current functional description of the systems, I also attached a e-Engine System Diagram to illustrate the application.).

Stella, this is just a brief info. per our suggestion, we do previous mail you and fax you much more details. However, hope this is sufficient to refresh your memory. Please have your response to us after you have chance to digest the information while we are preparing the appealing documents.

We appreciate very much for your willingness to assist us and please do not hesitate to contact me via email or telephone. Thank you very much.

James K. Chang
COMWEB Technology Group
155 Rt.46
Wayne, NJ 07470
Tel: 973-890-0010
Fax: 973-890-9077
email: JChang@COMWEB.com



COMWEB

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January 10, 2002

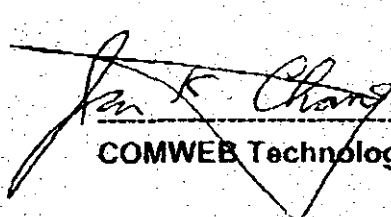
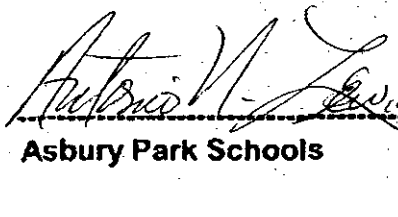
**Asbury Park School District
1506 Park Avenue
Asbury Park, NJ 07712
Attn: Mitchel F. Powell, Director of Information Technology Center**

**RE: Year 2002 COMWEB E-Rate Program for Internal Connections
COMWEB Contract #2002-01-10-01**

COMWEB Technology Group Inc. ("COMWEB") enters into Contract #2002-01-10-01 with the Asbury Park School District ("DISTRICT") to provide the complete list of COMWEB products and services summarized on the attached sheet (Page 2 of this Contract). Contract #2002-01-10-01 between COMWEB and Asbury Park School Districts covers the period from July 1, 2002 through June 30, 2003. For a complete description of all products and service please reference the attached document.

In the event that the SLD does not approve funding to purchase the Services identified in this Agreement, then this Agreement shall be immediately terminated without further notice whatsoever and neither the DISTRICT nor COMWEB nor any member thereof shall have any further obligation under this Agreement.

ACCEPTED and AGREED:

	<u>1-10-2002</u>		<u>1/16/02</u>
COMWEB Technology Group	Date	Asbury Park Schools	Date

RESOLUTION

WHEREAS, the 1996 Federal Telecommunications Act implemented a Universal Services Fund, more specifically known as the E-Rate, that provisions for broadening *Universal Service* to schools and libraries; and

WHEREAS, the School and Library Division ("SLD") has been established by the FCC to manage the E-Rate program, and is part of the Universal Service Administrative Company (USAC); and

WHEREAS, as part of the E-Rate Program the SLD will subsidize up to 90% of the funding for improvements in a schools telecommunications services; and

WHEREAS, the Asbury Park Board of Education (the "Board") desires to submit an application to the SLD, known as Form 471, for Year 5 funding (July 1, 2002 through June 30, 2003) to purchase advanced telecommunications services to provide internal connections for the Asbury Park Public Schools, including, servers and enhanced classroom networking (the "Services"); and

WHEREAS, COMWEB Technology Group ("COMWEB") has submitted a proposal to provide the Services, which would accompany the Form 471 submission to the SLD; and

WHEREAS, COMWEB has presented a proposal for the Board's consideration (the "Proposal") which Proposal is dated January 10, 2002, and annexed to this resolution and made a part hereof; and

WHEREAS, the Board, after due consideration and discussion of said Proposal has determined that COMWEB will meet the needs of the Board with regard to the Services based upon the COMWEB's credentials, experience and reputation; and

WHEREAS, pursuant to N.J.S.A. 18A: 18A-5(a)(5) a contract retaining the services of COMWEB can be made, negotiated and awarded by the Board by resolution, at a public meeting, without public advertising for bids, as the subject matter of said contract involves the provision of library and educational goods and services; and

WHEREFORE BE IT RESOLVED, that the Board authorizes the Administration to enter into a contract with COMWEB for the Services outlined in its proposal of January 10, 2002, subject to negotiation, drafting, review and approval by Board Counsel of the formal contract, and subject to the approval of funding to purchase the Services by the SLD.

COMWEB CONTRACT SUMMARY

COMWEB E-Rate Program Year 2002

DATE: January 10, 2002

TO: ASBURY PARK Public Schools –
Mr. Mitchel F. Powell, Director of Information Technology Center

FROM: COMWEB Technology Group Inc. Contract #2002-01-10-01

SYSTEMS: COMWEB E-Rate Program – INTERNAL CONNECTIONS – Including
COMWEB "WEB Servers" and "Enhanced Classroom Network Switch"

COMWEB Service Provider Identification Number (SPIN): 143005079

COMWEB Contact Name & Phone Number –

James K. Chang 973-890-0010 FAX 973-890-9077 jchang@comweb.com

E-RATE Application Category	COMWEB Product Name + Licensing Terms	Qty	UNIT COST	TOTAL COST
a) Internal Connections -- WEB Server and Its Operating Software	COMWEB Multi-Media Authoring WEB Server System -- "comSeminar" Bldg Site License - Up to 10 Teachers/200 Students	5	\$30,000 Per School	\$150,000
b) Internal Connections -- WEB Server and Its Operating Software	COMWEB XML-Enabled Personal Knowledge Management Web Server System -- "iNota" Bldg Site License -- Up to 20 Teachers/200 Students	5	\$30,000 Per School	\$150,000
c) Internal Connections -- WEB Server and Its Operating Software	COMWEB Classroom Knowledge Automation WEB Server System -- "e-Engine" Bldg Site License -- Up to 10 Teachers/100 Students	5	\$30,000 Per School	\$150,000
d) Internal Connections -- WEB Server and Its Operational Software-	COMWEB Learning Content Mgt WEB Server System District Site License -- Up to 100 Teachers/5000 Students Per WEB Server	1	\$250,000 Entire District	\$250,000
e) Internal Connections -- Classroom Network HUB and Switch	COMWEB "KnowledgeWEB" Classroom -- Enhanced Network Hub & Switch For Each PC-Based Classroom, Learning Center or Computer Lab	15	\$36,500 Per Room	\$547,500
			Contract TOTAL	1,247,500

Payment Terms: 35% Upon Order / 50% Upon Delivery / 15% Upon Acceptance



2002 E-Rate Application: Internal Connections – Classroom Network Hub & Switch

System Name: COMWEB “KnowledgeWEB” Classroom Network Hub & Switch

INTRODUCTION:

COMWEB’s Classroom Network Hub & Switch distributes telecommunications signals and internet resources to the teacher and student desktops from any point of access of the network or from any external source of information transmission -e.g. telecommunications port, phone line, broadband connection, cable hook-up, or wireless transmission. The Classroom Network Hub & Switch also serves as an internet line sharing device. It is a combination of internal wiring and data equipment that connects the classroom to external resources. The specific components that are E-Rate eligible are the hub & switch and internal cabling and wiring necessary to connect to the external resources. These COMWEB components are MDL-390VPS Main System Controller (“System Hub”); MDL-390VS Auxiliary System Controller (“Secondary System Hub”); the MDL-295 VPS System Switch Boxes (“Desktop Termination Points”); and all the system cabling and wiring which interconnects these hardware components.

Service Provider: COMWEB Technology Group, Inc.
155 Route 46, Plaza II, Wayne, NJ 07470

Service Provider Identification Number (SPIN): 143005079

Service Provider Contact Name & Telephone:	Randy Rankin	rrankin@comweb.com	Tel: 973-890-0010	Fax: 973-890-9077
	George E. Strother	gestrother@comweb.com	Tel: 973-890-0010	Fax: 973-890-9077
	James K. Chang	jchang@comweb.com	Tel: 973-890-0010	Fax: 973-890-9077

SYSTEM DESCRIPTION:**COMWEB "KnowledgeWEB" Enhanced Classroom Network Hub & Switch System**

<u>SYSTEM COMPONENT</u>	<u>PART ID</u>	<u>QTY</u>
Main System Controller ("Hub") Includes: -System Wiring Plugboard -Control Panel Interface -Remote Control Interface -Communications Wiring	MDL-390VPS	1
Auxiliary System Controller ("Hub") Includes: -Interface Wiring / Power Brick	MDL-390VS	1
System Switch Box (Desktop Termination Point – Switch Box) Includes: -Remote Interface -Standard Wiring Set/Power Brick	MDL-295VPS	31
System Installation Planning Turnkey Installation Technical Troubleshooting (As Req.) 12-Month On-Site Support (7/1/02-6/30/03) Misc. Materials.	MCC-INSTALL	1
System Technical/User Training Technical Manual/User Manual 12-Month 800 Number/E-Mail Support (7/1/02-6/30/03)	MCC-SUPPORT	1
Shipping/Handling/Insurance (Coordinated Delivery)	MCC-SHIP	1

SYSTEM TOTAL: \$36,500.00 Per PC-Based Classroom, Learning Center or Computer Lab.



COMWEB

COMWEB Classroom Knowledge Automation Web Server System (e-Engine)

